IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25049 of 2004

Between:

Smt. K. Sunanda, S/o. K. Balachary, Hindu,
House hodl r/o. 12-5A JJ Nagar Alwal Municipality, Ranga Reddy District.

..... PETITIONER

AND

1 The Commissioner, Alwal Municipal Council, Alwal.
2 Smt. Y. Yadamma, W/o. Late Narasimha, Hindu,
r/o Plot No. 45 J.J. Nagar, Alwal Municipal Limites, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction one or more in the nature of writ of Mandamus by directing the First Respondent to take immediate action to stop construction in property bearing No. 12-1(Plot No. 45) S.No. 191 situated at J.J. Nagar, Alwal, under Alwal Municipal Limits, Ranga Reddy District bounded on the North by Second Respondents property south by plot No. 46, east by petitioner's property and West by Road, and remove the illegal structures erected in deviation of the sanctioned plan.

Counsel for the Petitioner: MR.D.MADHAVA RAO

Counsel for the Respondent No.1: MR.P.RADHAKRISHNA

The Court made the following :

THE HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.25049 OF 2004

ORDER:

Heard both sides and with their consent, the writ petition is disposed of at the stage of admission.

Petitioner questions the inaction on the part of the first respondent in taking immediate action to stop the construction carried on by the second respondent in the property bearing No.12-1 (Plot No.45) S.No.191 situated at J.J.Nagar, Alwal of Ranga Reddy District.

The grievance of the petitioner is that the second respondent having obtained permission from the first respondent for construction of residential house, deviated the sanctioned plan and is constructing a complex without leaving the set backs, and also constructing an extra floor. It is the case of the petitioner that due to the said construction, which is in his neighbourhood, his rights are affected. It is the further case of the petitioner that despite his making complaint on 19.11.2004 to the first respondent, no action has been taken yet.

However, the learned Standing Counsel for the first respondent submits that action in this regard has already been initiated and a notice was also issued to the second respondent.

In view of the submission of the learned Standing Counsel, no further orders are necessary in this writ petition and the same is liable to be dismissed.

The writ petition is accordingly dismissed. No order as to costs.

31.12.2004.

mdaa

copy to:

1 The Commissioner, Alwal Municipal Council, Alwal.
2. Two C.D.copies.